

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**THOMAS P. BERTALAN,**  
**Plaintiff,**

**v.**

**SCI GRATERFORD STATE PRISON, et al.**  
**Defendants.**

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**CIVIL ACTION**

**NO. 18-69**

**ORDER**

AND NOW, this <sup>th</sup> 17 day of January, 2018, upon consideration of Mr. Bertalan's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Thomas P. Bertalan, #MY-9913, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. Bertalan, an initial partial filing fee of \$37.05 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Laurel Highlands or at any other prison at which Mr. Bertalan may be incarcerated is directed to deduct \$37.05 from Mr. Bertalan's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-69. In each succeeding month when the amount in Mr. Bertalan's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Bertalan's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-69.

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of SCI-Laurel Highlands.

4. The complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

5. Mr. Bertalan is given leave to file an amended complaint within thirty (30) days of the date of this order in the event he can state a plausible claim against an appropriate defendant based on the medical care he required after injuring his head at SCI-Graterford. If Mr. Bertalan files an amended complaint, he shall identify all of the defendants in the caption of the amended complaint and state how each defendant was involved in the claimed violations of his constitutional rights.

6. If Mr. Bertalan fails to file an amended complaint in accordance with this order, his case may be dismissed for failure to prosecute without further notice.

**BY THE COURT:**



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**MITCHELL S. GOLDBERG, J.**